

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1008 OF 2007

The State of Maharashtra ...Appellant.

Vs.

Vaman Balu Patil ...Respondent.

Mr. S.N.Gawade for the State.

Mr. Kiran J. Kandpile for respondent.

CORAM : ANOOP V. MOHTA, J.

DATED : 23rd July, 2007

P.C.

1. By this appeal, the State of Maharashtra is challenging the Judgment and award dated 10/11/2000 passed by the Joint Civil Judge, Senior Division, Alibag and specially the grant of enhanced compensation at the rate of Rs.12/- per sq. meter. The order of the lower Court reads thus:-

- . " The Claim/reference is partly allowed.
- . Opponent to pay enhanced compensation of Rs.41,296/- to the claimants as an additional compensation with amount of Rs.12,388.80 ps. towards the solatium under Section 23(2) basedes the

additional amount at a rate of 12% P.A. under Sec. 23(1) (a) from the date of notification under Sec.(4) (1) of the Land Acquisition Act upto the date of the award of the date of taking possession of the acquired lands which ever is earlier.

- . The Claimant is also entitled to the interest at a rate of 9% P.A. from the date of taking possession of the lands to the payment as the additional compensation in the Court for period of one year. If the additional amount is not paid before the expiry of one year the further interest at the rate of 15% P.A. after expiry of such period of one year on the amount of such additional compensation for part thereto which has not been paid into the Court before the date of such expiry of period of one year.

- . Claimant is also entitled to the proportionate cost of this reference.

. Award be drawn up accordingly."

2. The learned counsel appearing for the respondents basically contended that in view of the Judgment passed by this Court in First Appeal No. 25/1993 dated 22nd April, 2004, this Court has granted the rate at Rs.15/- per Sq.meter, whereas the trial Court has granted Rs.12/- per sq.meter. In view of this, there is no reason now, to consider the case of the State Government as well as issues are covered by the similarly situated land at Panvel, Dist. Raigad and land acquisition cases. There was no challenge except the enhanced rate of Rs.12 per Sq.meter.

3. The learned counsel appearing for the respondents further submits that as there is no cross objection raised by the land owner to claim at the rate of Rs.15, per Sq. meter, as granted above, there is no reason to admit this matter. The contentions are correct and acceptable. Taking all this into account, the present appeal is dismissed. The impugned judgment and order is maintained.

4. No costs.

(ANOO P V. MOHTA, J.)